



THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	MAIL STOP AMENDMENT
Sumi KANEDA et al.)	
Application No.: 10/573,994)	Group Art Unit: 1623
Filed: March 30, 2006)	Examiner: Patrick T. Lewis
For: HAIR GROWTH PROMOTOR)	Confirmation No.: 2059
COMPOSITION)	

DECLARATION PURSUANT TO 37 C.F.R. § 1.132

Commissioner for Patents
P.O. Box 1450
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Sir:

I, Tomoko KOYAGI, declare the following:

(1) I am a Japanese citizen and have the following mailing address: 3-7, Honjo 1-chome, Sumida-ku, Tokyo, Japan.

(2) I graduated from Biology Major, Department of Science, School of Education, Waseda University.

(3) I have been employed with Lion Corporation (hereinafter "Lion") since 1990, and have continued my employment with Lion until the present time. I am currently engaged in the research and development of hair care cosmetics.

(4) I have read and am familiar with the above-identified United States patent application, the Office Action and the references cited herein.

(5) The following experiment was carried out by me or under my direct supervision.

Experiment

Hair growth promotor Comparative Example 8 was prepared according to formulation shown in the following Table 2, and then evaluated in the same manner as described in Examples of the specification of the above-identified United States patent application. The results are summarized in Table 2 along with Comparative Examples 1-7 of the present specification:

Table 2

		Blend amount (%)							
		Comparative Example							
		1	2	3	4	5	6	7	8
Component (A)	Glycerin tridecanoate	2.0	2.0	2.0					
	Glycerin pentadecanoate				2.0	2.0	2.0	2.0	2.0
	6-Benzylamino-purine	0.5	0.5					0.5	0.5
Component (B)	6-(4-Methylbenzyl-amino)purine			0.5	0.5	0.5	0.5		
	Pentaglycerin monomyristate		2.0						
Component (C)	Decaglycerin monomyristate				2.0				
	Pentaglycerin monooleate							2.0	
	Diglycerin monostearate								1.0
	Sorbitan monolaurate			3.0			1.0		3.0
99 % ethanol		Balance	Balance	Balance	Balance	Balance	Balance	Balance	Balance
Evaluation of hair growth effect		75	75	63	75	75	75	63	75
Evaluation of use feeling		X	△	○	△	X	○	△	○
Evaluation of stability at low temperature		X	X	X	X	X	X	X	X

All the symbols above have the same meanings as defined in the present specification.

Table 1 of the present specification is duplicated as follows:
Table 1

		Blend amount (%)							
		Example							
		1	2	3	4	5	6	7	8
Component (A)	Glycerin tridecanoate	2.0	2.0	2.0				2.0	
	Glycerin pentadecanoate				2.0	2.0	2.0		2.0
Component (B)	6-Benzylamino-Purine	0.5	0.5		0.5				0.5
	6-(4-Methylbenzyl-amino)purine			0.5		0.5	0.5	0.5	
Component (C)	Pentaglycerin monomyristate	0.5			1.0			0.05	
	Decaglycerin monomyristate		0.5			2.0			0.05
	Pentaglycerin monooleate			1.0			2.0		
Component (D)	Sorbitan monolaurate	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0
99 % ethanol		Balance	Balance	Balance	Balance	Balance	Balance	Balance	Balance
Evaluation of hair growth effect		75	75	63	75	75	75	63	63
Evaluation of use feeling		○	○	○	○	○	○	△	△
Evaluation of stability at low temperature		○	○	○	○	○	○	○	○

As the data in the above Tables 1 and 2 show, hair growth promotor Examples 1-8, which satisfy all of the recitations of claim 1, exhibited excellent stability at low temperature. In contrast, hair growth promotor Comparative Examples 1-4, 6 and 7, which contained components (A) and (B), and either component (C) or component (D) but not both of components (C) and (D), formed crystals or precipitates at low temperature.

It should be noted that Comparative Examples 3 and 6 contained sorbitan monolaurate which has an HLB value of 8.6, which is not greater than 10, and that Comparative Example 7 contained pentaglycerin monooleate which has an HLB value of 6 to 7. Both of sorbitan monolaurate and pentaglycerin monooleate meet the requirements of surfactant described in Oono et al., however, they, alone, cannot stabilize the composition comprising components (A) and (B) at low temperature. On the other hand, decaglycerin monomyristate used in Examples 1-8 has an HLB of 14, and an average HLB of components (C) and (D) in Example 5 is 10.8 which is greater than 10.

Moreover, hair growth promotor Comparative Example 8, which contained components (A) and (B), diglycerin monostearate, and sorbitan monolaurate, formed crystals or precipitates at low temperature. Diglycerin monostearate has a polymerization degree of 2 and thus does not meet the requirements of component (C) recited in claim 1.

The hair growth promotor as defined in claim 1 can provide unexpectedly superior results in terms of stability at low temperature, which is not disclosed or suggested by Oono et al. or Hanada et al.

In view of the foregoing, Applicants respectfully submit that claim 1 is not obvious over Oono et al. and Hanada et al. in combination, and thus, the rejection should be withdrawn.

(6) I further declare that all statements made herein of my own knowledge are true and that all statements on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Date: April 28, 2008 By: Koyagi Tomoko

Tomoko KOYAGI
(Print Declarant's name)